

THE LAW OFFICE OF

ELISA HYMAN, P.C.

November 17, 2022

BY ECF

The Honorable Paul A. Engelmayer
United States District Court - Southern District of New York
40 Foley Square
New York, NY 10007

Re: J.M. et al., v. New York City Department of Education, et al.,
1:20-cv-01329 (PAE)

Dear Judge Engelmayer:

I represent the Plaintiffs in the above-referenced action. I write jointly with Defendants' counsel to respectfully request an adjournment *sine die* of the case management conference scheduled for November 21, 2022 at 4:00 pm. ECF No. 70.

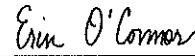
As Your Honor may recall, the parties have engaged in extensive discussions and negotiations concerning settlement of this matter and we thank the Court for its considerable patience in allowing us to do so. The parties have reached a settlement in principle to resolve Plaintiffs' compensatory claims and have exchanged drafts of a proposed Stipulation of Settlement to memorialize the agreement. Accordingly, the parties do not believe the case management conference is needed, or is a good use of the Court's time. Still, pursuant to the Court's Order dated August 29, 2022, the parties respectfully set forth their proposal for the next steps in the case.

The parties expect to finalize a Stipulation concerning services no later than November 30, 2022. The contemplated Stipulation, however, will not address Plaintiffs' claim for attorneys' fees and costs.¹ Plaintiffs intend to provide Defendants with their billing records no later than November 21, 2022, and Defendants will then need time to obtain authority from the Comptroller's Office to settle this aspect of the case (as noted previously, this case concerns three students and we are resolving the fees claims connected to eleven underlying hearings, as well as the federal action). The parties will then separately negotiate Plaintiff's claim for fees, and are optimistic that we will be able to resolve the fee issues without involving the Court. The parties propose submitting a status report concerning Plaintiffs' fees claim no later than December 15, 2022. We expect the case will be fully resolved sometime thereafter.

¹ The parties bifurcated Plaintiffs' compensatory services claims and their attorneys' fees claims so that Plaintiff may access the compensatory services as soon as possible to avoid any gap in the triplets' services while the parties negotiate fees.

The parties thank Your Honor for your consideration of this matter.

Respectfully Submitted,



Erin O'Connor, Esq., Of Counsel
Counsel for the Plaintiffs

cc: Andrew Rauchberg, Esq.,
Counsel for the Defendants

The Court appreciates this update from the parties and adjourns the case management conference *sine die*.

Should the parties not file a proposed stipulation by November 30, 2022, the Court orders the parties to file a joint status update by December 1, 2022, explaining the status of the settlement. The Court further directs the parties to file a status update by December 15, 2022, informing the Court of the status of the negotiations as to fees.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge
November 18, 2022